IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32154 of 2008
SAJJAN MAHTO, son of Ram Das Mahto, resident of village Karkauli, P.S. Bakhari, District Begusarai ……. Petitioner
Versus
STATE OF BIHAR …. Opposite party
with
Cr.Misc. No.43121 of 2008
PAWAN KUMAR, son of Jayanti Mahto, resident of village-Gamhariya, P.S. Nawkothi, District Begusarai …. Petitioner
Versus
STATE OF BIHAR …. Opposite party

04/ 12.11.2008 Heard learned counsel for the petitioners and the State.

Petitioners are FIR named accused for the offences under Sections 364, 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act along with Raja Ram Mahto, Pawan Mahto and others. Allegation against them is that they abducted two sons of the informant and thereafter killed them. The Superintendent of Police supervised the occurrence under his report dated 29.4.2008 i.e. after nine months of the occurrence and gave clean chit to the FIR named accused, which report has been relied upon by another Bench of this Court while admitting Raja Ram Mahto and Pawan Mahto to the privilege of bail under orders dated 27.2.2008, passed in Cr. Misc. No. 2918 of 2008 and under orders dated 24.7.2008, passed in Cr. Misc. No. 28673 of 2008, Annexure-3 to this application.

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Counsel for the petitioners states that the case of the present petitioners is also similar to that of Raja Ram Mahto and Pawan Mahto and same treatment be allowed to them as well.

Counsel for the State accepts the position that there is

— nothing to distinguish the case of the petitioners in these two applications with that of Raja Ram Mahto and Pawan Mahto.

In view of the submissions made above by the counsel for the parties, let the petitioners, Sajjan Mahto and Pawan Kumar be admitted to the privilege of bail on furnishing bail bonds of Rs. 5,000/- (Rs. Five thousand only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in connection with Nowkothi P.S. Case No. 65 of 2007.

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Arjun/ **(V.N. Sinha, J.)**

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